

AMENDED IN ASSEMBLY JUNE 30, 2011

AMENDED IN SENATE MARCH 21, 2011

**SENATE BILL**

**No. 745**

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**Introduced by Senator Hernandez**

February 18, 2011

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An act to amend Section 48306 of, *and to add Section 48313.5 to*, the Education Code, relating to pupils.

LEGISLATIVE COUNSEL'S DIGEST

SB 745, as amended, Hernandez. Pupils: school attendance: school districts of choice.

Existing law defines a school district of choice as one in which the governing board *of the school district* has, by resolution, elected to accept interdistrict transfers and has determined the number of transfers it is willing to accept through a random, unbiased process, as specified. Existing law requires a school district of choice to give priority for attendance to siblings of children already in attendance in that district. Existing law provides that a school district of choice may give priority for attendance to children of military personnel.

Existing law authorizes a school district of choice to reject the transfer of a pupil if the transfer of that pupil would require the district to create a new program to serve that pupil, except that a school district of choice is prohibited from rejecting the transfer of a special needs pupil, including an individual with exceptional needs; and an English learner.

This bill would require a school district of choice to give priority for attendance to English learners, pupils who are individuals with exceptional needs, and pupils who are eligible for free and reduced-price meals, as provided.

*This bill would require that a school district of choice ensure that a pupil who transfers into the district is enrolled in a school with a higher Academic Performance Index score than the school in which the pupil was previously enrolled.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 48306 of the Education Code is amended  
2     to read:  
3     48306. (a) (1) A school district of choice shall give priority  
4     for attendance to transfer pupils as follows:  
5     (A) First priority shall be given to siblings of pupils already in  
6     attendance in that district.  
7     (B) Second priority shall be given to all of the following:  
8     (i) English learners.  
9     (ii) Pupils who are individuals with exceptional needs, as defined  
10    in Section 56026.  
11    (iii) Pupils who are eligible for free and reduced-price meals.  
12    (2) If the number of priority pupils who request a particular  
13    school exceeds the number of spaces available at that school, the  
14    school district shall conduct a lottery in the group priority order  
15    identified in subparagraphs (A) and (B) of paragraph (1) to select  
16    pupils at random until all of the spaces are filled.  
17    (3) A school district of choice shall comply with the priority  
18    requirements of this subdivision before admitting other pupils who  
19    seek to transfer into the district pursuant to this article.  
20    (b) A school district of choice may give priority for attendance  
21    to children of military personnel.  
22    SEC. 2. Section 48313.5 is added to the Education Code, to  
23    read:  
24    48313.5. A school district of choice shall ensure that a pupil  
25    who transfers into the district pursuant to this article is enrolled  
26    in a school with a higher Academic Performance Index score than  
27    the school in which the pupil was previously enrolled.